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ANDREW CALDER  
MCGUIRE WOOD LLP  
1750 TYSONS BLVD  
SUITE 1800  
MCLEAN, VA 22102

EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/810,286

**Applicant(s)**

FIESCHI ET AL.

**Examiner**

Jalatee Worjloh

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is responsive to the amendment filed 11/10/2005, in which claim 21 was canceled, claims 1,9,12,14,16-20 and 23 amended and claims 26 and 27 added.

***Response to Arguments***

2. Applicants' arguments filed 11/10/2005 have been fully considered but they are not persuasive.

Applicants argue that claims 10-12 were not mentioned in the preamble of the 102(e) rejection over Slater; therefore the next Office Action cannot be made final. However, the Examiner respectfully disagrees. Claims 10-12 were fully considered and rejected as 35 USC 102(e) as being anticipated by Slater (see pages 4 and 5 of Office Action mailed 09/12/2005). Applicants also indicate that they are unable to determine whether these claims have in fact been rejected over the prior art. The following rejection was recited and clearly expressed in the Office Action dated 09/12/2005:

*Referring to claim 10, Slater disclose the transaction information sent by the buyer is at least one article information, date and time of purchase, buyer PIN code, and credit/debit card number and the transaction information sent by the seller is at least one article information date and time of purchase, and PIN code (see col. 7, lines 7-25).*

*Referring to claim 11, Slater discloses the method wherein article information includes purchase price (see col. 7, lines 19-22).*

*Referring to claim 12, Slater discloses the seller receiving a credit/debit card number, an article identification, a transaction time a transaction date, and a buyer PIN code from the buyer (see col. 7, lines 7-25).*

Thus, the phrase “referring to claim” illustrates that these claims were addressed and rejected in view of Slater.

Applicants argue that claim 8 is not a single means claim. However, claim 8 teaches only one means for performing the steps of the method claim. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

3. Applicants’ arguments with respect to newly added features have been considered but are moot in view of the new ground(s) of rejection.

4. Claims 1-20, 22-27 have been examined.

***Claim Objections***

5. Claim 26 is objected to because of the following informalities: typographical error, replace “the third party and instead” with “the third party but instead” (see line2). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3621

Claim 8 is rejected as being a single means claim.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6098053 to Slater.

Referring to claim 1, Slater discloses registering a purchase of at least one article by a buyer using a credit/debit card associated with at least one PIN code (security information

Art Unit: 3621

including a secret number such as a personal identification number) at a seller terminal connected to an electronic payment center by a communication network (see col. 7, lines 26-40, 60-63 – a purchaser places an order at a merchant's web site and enters his card number and PIN), checking, by the electronic payment center (i.e. "financial institution"), that the at least one PIN code which is provided by said buyer to said electronic payment center is associated with the number of said credit/debit card provided by said buyer to said seller terminal (see col. 9, lines 13-15, 65-67; col. 10, line 1 – financial institution validates financial transaction instruction), checking, by said electronic payment center, with a third party (i.e. "purchaser's bank") whether or not said at least one PIN code is valid (see col. 10, lines 10-15, 32-34). Also see Fig. 1, and one of: checking, by said electronic payment center, whether the electronic payment center has received a pre-validation from a third party, contacting a third party via a communication network and requesting that the third party validate the purchase (see col. 9, lines 65-67 and col. 10, lines 1-32 – the financial institution routes the transaction request to the purchaser's bank for validation.)

Referring to claim 2, Slater discloses the method wherein said buyer has a terminal (i.e. personal computer) which is connected to the communication network and said terminal is configured to transmit the number of the credit/debit card (see fig. 1, (12,13), col. 5, lines 44-55 and col. 7, lines 44-49).

Referring to claim 3, Slater discloses the method wherein the credit/debit card number and the at least one PIN code which have been provided to said seller terminal by said buyer are transmitted to said electronic payment center to check whether the at least one Pin code is associated with said credit/debit card number (see claim 1 above).

Art Unit: 3621

Referring to claim 9, Slater discloses providing, from a buyer to a seller in order to conclude a sale, a credit/debit card number (see col. 7, lines 26-57 – the consumer makes a purchase from a merchant and transmits card number data, which includes a number that is associated with the actual savings or checking account number in consumer's bank), receiving transaction information from a buyer and a seller by an electronic payment center, performing a first validation with the transaction information from the buyer and the seller by the electronic payment center, requesting, by the electronic payment center, further validation from a third party to provide authentication by an electronic transaction (see claim 1 above), processing the sale by an electronic transaction upon authentication by the first validation and the further validation (see col. 10, lines 40-50), wherein the requesting comprises one of: contacting the third party via a communication network and requesting that the third party validate the sale(see col. 9, lines 65-67 and col. 10, lines 1-32 – the financial institution routes the transaction request to the purchaser's bank for validation.) , and contacting the third party via a communication network and requesting the buyer PIN code from the third party, and wherein the third party is a prime owner of the credit/debit card.

Referring to claim 10, Slater discloses the transaction information sent by the buyer is at least one article information, date and time of purchase, the buyer PIN code, and the credit/debit card number and the transaction information sent by the seller is at least one of article information date and time of purchase, and the buyer PIN code (see col. 7, lines 7-25).

Referring to claim 11, Slater discloses the method wherein the article information includes purchase price (see col. 7, lines 19-22).

Art Unit: 3621

Referring to claim 12, Slater discloses the seller receiving the credit/debit card number, an article identification, a transaction time a transaction date, and the buyer PIN code from the buyer (see col. 7, lines 7-25).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 13-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claims 3 and 9 above, and further in view of US Patent No. 5999624 to Hopkins.

Referring to claim 4, Slater discloses an electronic payment center (see claim 1 above). Slater does not expressly disclose the method wherein said electronic payment center checks in at least one profile table whether said PIN code is associated with the credit/debit card number. Hopkins discloses wherein said electronic payment center checks in at least one profile table whether said PIN code is associated with the credit/debit card number (see col. 9, lines 58-62). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the step wherein said electronic payment center checks in at least one profile table whether said PIN code is associated with the

Art Unit: 3621

credit/debit card number. One of ordinary skill in the art would have been motivated to do this because it verifies the user's identity, thereby minimizing fraud.

Referring to claims 13 and 14, Slater discloses an electronic payment center (see claim 9 above). Slater does not expressly disclose the electronic payment comparing at least one portion of the transaction information with profile table information, wherein the profile information comprises at least one of the credit/debit card number, the buyer PIN code, and an authorization amount corresponding to the buyer PIN code. Hopkins discloses the electronic payment comparing at least one portion of the transaction information with profile table information, wherein the profile information comprises at least one of the credit/debit card number, the buyer PIN code, and an authorization amount corresponding to the buyer PIN code (see col. 9, lines 58-62). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the electronic payment comparing at least one portion of the transaction information with profile table information, wherein the profile information comprises at least one of a credit/debit card number, a buyer PIN code, and an authorization amount corresponding to the buyer PIN code. One of ordinary skill in the art would have been motivated to do this do this because it verifies the user's identity, thereby minimizing fraud.

Referring to claim 15, Slater discloses the electronic payment center clears the at least one portion of transaction information from the third party (see col. 10, lines 46-59).

Referring to claim 20, Slater discloses an electronic payment center and a buyer (see claim 9 above). Slater does not expressly disclose sending an error message to the buyer if the purchase amount is outside an authorized limit of the credit/debit card. Hopkins discloses

Art Unit: 3621

sending an error message to the buyer if the payment amount is outside an authorized limit of the credit/debit card (see col. 9, lines 58-67; col. 10, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the step of sending an error message to the buyer if the amount is outside an authorized limit. One of ordinary skill in the art would have been motivated to do this because it provides excellent customer service by notifying the consumer.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater and Hopkins as applied to claim 4 above, and further in view of U.S. Patent No. 5953710 to Fleming.

Slater discloses an electronic payment center (see claim 4 above). Slater does not expressly disclose the step of checking by said payment center whether the amount of purchase of the at least one article is below a maximum amount authorized for the at least one PIN code, each PIN code authorizing a different maximum amount. Fleming discloses the step of checking by said payment center (see col. 7, lines 38-42 – when a parent or child desires to make a purchase, the request is processed by the Bank Approval Processing System) whether the amount of purchase of the at least one article is below a maximum amount authorized for the at least one PIN code (see col. 8, lines 21-54 – the Bank compares the available credit for the account with the expenditure amount) each PIN code authorizing a different maximum amount (see col. 6, lines 20-45- the database stores a parent account record and a child account record including a PIN Code Field and the Credit Limit Field, particularly, “the PIN code Field in the parent’s account record is used to verify the PIN input”... “a child’s account optionally may have a PIN Code Field.... “The child’s available credit is maintained separately from the parent’s available credit. The child’s available credit is initially set to zero, but may be changed to a value

Art Unit: 3621

specified by the parent at the time the child's account is created.”; thus, each PIN code, which is associated with a different account (i.e. parent or child) have a different available credit/maximum amount. At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the step of checking by said payment center whether the amount of purchase of the at least one article is below a maximum amount authorized for the at least one PIN code, each PIN code authorizing a different maximum amount. One of ordinary skill in the art would have been motivated to do this do this because it ensures that the merchant is paid for the service provided.

12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater Hopkins and Fleming as applied to claim5 above, and further in view of US Patent No. 6205437 to Gifford.

Referring to claims 6 and 7, Slater discloses an electronic payment center and a buyer (see claim 5 above). Slater does not expressly disclose checking by said electronic payment center whether or not there is a prevalidation of the purchase of the at least one article by said buyer. Gifford discloses checking by said electronic payment center whether or not there is a prevalidation of the purchase of the at least one article by said buyer (see col. 7, lines 40-61), wherein said prevalidation of the purchase of the at least one article by said buyer is cleared after it has been used (see col. 8, lines 51-65). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose Slater to include checking by said electronic payment center whether or not there is a prevalidation of the purchase of the at least one article by said buyer. One of ordinary skill in the art would have

Art Unit: 3621

been motivated to do this do this because it eliminates duplicate charges to the consumer account.

13. Claims 16 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Slater in view of US Patent No. 5914472 to Foladare et al.

Referring to claim 16, Slater discloses receiving transaction information from a buyer and a seller by an electronic payment center, performing a validation with the transaction information from the buyer and seller by the electronic payment center using a credit/debit card number and a PIN code provided by the buyer, and providing authorization for a sale when the validation provide authorization (see claim 9 above). Slater does not expressly disclose performing a pre-validation of buyer information with a third party, providing authentication for a sale by an electronic transaction when the prevalidation provide authorization, wherein the third party is a prime owner of the credit/debit card. Foladare et al. disclose performing a pre-validation of buyer information with a third party (see abstract – a central computer communicates with an issuer computer to check the database account information and spending limits), providing authentication for a sale by an electronic transaction when the prevalidation provide authorization, wherein the third party is a prime owner of the credit/debit card (see abstract – The central computer initiates contact with the parent via two-way communications and queries the parent whether to authorize the transaction by increasing the spending limit of the ancillary cardholder or refusal of the transaction. The parent responds and the central computer forwards approval/refusal code to the merchant). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Slater to include

Art Unit: 3621

performing a pre-validation of buyer information with a third party, providing authentication for a sale by an electronic transaction when the prevalidation provide authorization, wherein the third party is a prime owner of the credit/debit card. One of ordinary skill in the art would have been motivated to do this because it provides additional security, thereby reducing fraud.

Referring to claim 27, Slater discloses a third party and a payment center (see claim 16 above). Slater does not expressly disclose the third party is a living human being and wherein the performing a pre-validation of buyer information with a third party occurs by checking, by said electronic payment center, whether the electronic payment center has received a pre-validation from the third party, wherein the providing authentication for a sale by an electronic transaction when the pre-validation and validation provide authorization occurs after pre-validation and between the electronic payment center and the seller, and wherein the third party is a person other than the buyer. Foladare et al. disclose the third party is a living human being and wherein the performing a pre-validation of buyer information with a third party occurs by checking, by said electronic payment center, whether the electronic payment center has received a pre-validation from the third party, wherein the providing authentication for a sale by an electronic transaction when the pre-validation and validation provide authorization occurs after pre-validation and between the electronic payment center and the seller, and wherein the third party is a person other than the buyer (see abstract and claim 16 above). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Slater to include the method wherein the third party is a living human being and wherein the performing a pre-validation of buyer information with a third party occurs by checking, by said electronic payment center, whether the electronic payment center has received

Art Unit: 3621

a pre-validation from the third party, wherein the providing authentication for a sale by an electronic transaction when the pre-validation and validation provide authorization occurs after pre-validation and between the electronic payment center and the seller, and wherein the third party is a person other than the buyer. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized individuals from using the card.

14. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater and Foladare et al as applied to claim 16 above, and further in view of Hopkins.

Referring to claim 17, Slater discloses an electronic payment center (see claim 16 above). Slater does not expressly disclose determining, by the electronic center, whether an amount charged to a credit card number is within an authorized limit, if the PIN code of the transaction information is verified. Hopkins discloses determining, by the electronic center, whether an amount charged to a credit card number is within an authorized limit, if the PIN code of the transaction information is verified (see col. 9, lines 58-67). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the step of determining, by the electronic center, whether an amount charged to a credit card number is within an authorized limit, if the PIN code of the transaction information is verified. One of ordinary skill in the art would have been motivated to do this because it ensures that the merchant receives compensation for the service provided.

Referring to claim 18, Slater discloses an electronic payment center (see claim 17 above). Slater does not expressly disclose checking for prevalidation of the PIN code when the amount charged to the credit card number is within an authorized amount (see col. 7, lines 40-61). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to

Art Unit: 3621

modify the method disclose by Slater to include the step of checking for prevalidation of the PIN code when the amount charged to the credit card number is within an authorized amount. One of ordinary skill in the art would have been motivated to do this because it reduces fraud by verifying the user's identity.

Referring to claim 19, Slater discloses an electronic payment center and a buyer (see claim 18 above). Slater does not expressly disclose sending an error message to the buyer if the amount is outside an authorized limit. Hopkins discloses sending an error message to the buyer if the amount is outside an authorized limit (see col. 9, lines 58-67; col. 10, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the step of sending an error message to the buyer if the amount is outside an authorized limit. One of ordinary skill in the art would have been motivated to do this because it provides excellent customer service by notifying the consumer.

15. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 1 above, and further in view of US Patent No. 6014650 to Zampese.

Slater discloses an electronic payment method (see claim 1 above). Slater does not expressly disclose the method wherein each PIN code of the at least one PIN code is used only once a different PIN code of the at least one PIN code is use for a later transaction. Zampese discloses the method wherein each PIN code of the at least one PIN code is used only once a different PIN code of the at least one PIN code is use for a later transaction (see col. 2, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include the method wherein each PIN code of the at least one PIN code is used only once a different PIN code of the at least one PIN code is use

Art Unit: 3621

for a later transaction. One of ordinary skill in the art would have been motivated to do this because it provides additional security thereby reducing fraud.

16. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 1 above, and further in view of US Patent No. 6213391 to Lewis.

Referring to claims 23 and 24, Slater discloses an electronic payment method (see claim 1 above). Slater does not expressly disclose the method wherein the at least one PIN code is associated with two or more members of a group and the group is associated with the number of the credit/debit card. Lewis discloses the method wherein the at least one PIN code is associated with two or more members of a group and the group is associated with the number of the debit/credit card, wherein the at least one PIN code is different for different members of the group and wherein the at least one PIN code authorizes a different purchasing amount for the different members of the group (see col. 5, lines 40- col. 6, line 59). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Slater to include at least one PIN code is associated with two or more members of a group and the group is associated with the number of the debit/credit card. One of ordinary skill in the art would have been motivated to do this do this because it provides additional security.

Referring to claim 25, Slater discloses a third party who limits a buyer's payment to an amount of available credit, which is synonymous to the step wherein the third party is a member of the group and the third party limits a transaction involving the credit/debit card to a pre-determined purchasing amount (see col. 10, lines 40-50).

17. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 1 above, and further in view of Foladare et al.

Art Unit: 3621

Slater discloses a payment center and a third party (see claim 1 above). Slater does not expressly disclose the third party is a living human being and wherein the method comprises not contacting the third party but instead checking, by said electronic payment center, whether the electronic payment center has received a pre-validation from the third party. Foladare et al. disclose the third party is a living human being (i.e. parent) and wherein the method comprises not contacting the third party but instead checking, by said electronic payment center (i.e. central computer), whether the electronic payment center has received a pre-validation from the third party (see abstract – Foladare et al. shows the central computer checking the database for parent's authorized amount). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Slater to include the step wherein the third party is a living human being and wherein the method comprises not contacting the third party but instead checking, by said electronic payment center, whether the electronic payment center has received a pre-validation from the third party. One of ordinary skill in the art would have been motivated to do this because prevents unauthorized individuals from using the card.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3621

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***P.O. Box 1450  
Alexandria, VA 22313-1450***

Application/Control Number: 09/810,286

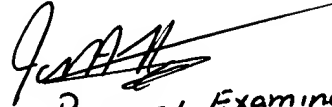
Page 19

Art Unit: 3621



Jalatee Worjloh  
Patent Examiner  
Art Unit 3621

January 12, 2005



Primary Examiner  
AU 3621